

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY, 10TH JULY, 2025

Afternoon Sitting

3rd County Assembly

4th Session

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

THURSDAY, 10TH JULY, 2025

The House met at the County Assembly Chamber at 2:30 p.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

Honourable members, I wish to make the following communication.

THE ELECTIONS OF THE VICE CHAIRPERSONS OF COMMITTEES

Honourable members, pursuant to the provisions of Standing Order number 181(2), I wish to communicate to the House the outcome of the elections of the vice chairpersons of various Sectoral committees.

Following the declarations of vacancies in the respective committees, a notice was issued by the Office of the Clerk, inviting interested members to collect in duly filled nomination forms for the vacant positions. This process was conducted in transparent, consultative manner and was fully complied with by the interested members.

Subsequently, committees were convened during which elections were held in accordance with the Standing Orders. The minutes of those meetings confirming the outcome of the elections have been duly submitted to my office.

Honourable members, kindly take up your seats.

(Honorable members standing at the bar take their seats)

Honourable members, accordingly, I wish to inform the House that the following members were elected as the vice chairpersons of the respective sectoral committees.

1. Hon. John Kennedy Wanyama, Vice Chairperson, Committee on Trade, Energy, and Industrialization

(Applause)

I have mixed some names in the way,

Version: 00

Revision: 00

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2. Hon. Ndasaba Dorcas - Vice Chairperson, Committee on Delegated County Legislation.
(Applause)
3. Hon. Everlyne Anyango - Vice Chairperson, Committee on Justice, Cohesion, and Legal Affairs.
(Applause)
4. Hon. Bridget Katasi - Vice Chairperson, Committee on Powers and Privileges.
(Applause)
5. Hon. Catherine Kituyi - Vice Chairperson, Committee on Labour Relations, Member Services, and Facilities.

Honourable Members, join me in congratulating the above Honourable Members on their elections.

(Applause)

I trust they will bring renewed energy, professionalism, and commitment in the execution of their duties in support of the chairs and the mandate of their respective committees.

Consequently, I hereby direct the Clerk to effect the administrative changes with immediate effect.

VISITING STUDENTS AND TEACHERS FROM KISULUNI SA PRIMARY SCHOOL

Honourable Members, I recognize and welcome the visitors in the public gallery comprising of 72 students and six teachers from Kisuluni SA Primary and the Junior Secondary School from Bukembe West Ward in Kanduyi sub-county.

The learners have come to learn on the following specific areas;

The roles of the County government and County Assemblies, The roles of the Member of the County Assembly and experience live County Assembly proceedings. I call upon the 72 students to be upstanding for recognition by this House.

(Students stood up)

Kindly be seated.

(Students resumed their seats)

Honourable members, the students have been accompanied by their teachers.

1. Mr. George Masaka

Version: 00

Revision: 00

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2. Mr. Nicholas Wafula
3. Ms. Jacqueline Namuhanywa
4. Mr. Stephen Kamili
5. Mr. Cyprian Kuloba
6. Mr. James Musungu

(Teachers stood up)

Kindly resume your seats.

(Teachers resumed their seats)

Honourable members, at the appropriate time, I will be able to allow Honourable members to make some brief remarks about our visitors in the public gallery.

Next item,

PAPERS

REPORT OF THE HOUSE BUSINESS COMMITTEE ON PLENARY REVIEW FOR THE PERIOD FEBRUARY TO JUNE 2025

Mr. Speaker: Hon. Jacob Psero, proceed.

Hon. Jacob Psero: Mr. Speaker Sir, on behalf of the Chair, House Business Committee (HBC), I rise to table the report of the House Business Committee on the plenary review for the period February to June 2025. I table, Sir.

(Papers laid by Hon. Jacob Psero)

Mr. Speaker: Honourable members, the report by the House Business Committee on the plenary review of the House proceedings from February, 2025 to June, 2025 is hereby tabled by the committee of the House Business Committee and formally becomes the property of the House accordingly.

REPORT BY THE AD HOC COMMITTEE ON THE COLLECTION AND UTILIZATION OF AGRICULTURAL CESS IN BUNGOMA COUNTY SINCE SEPTEMBER 2022 TO MARCH 2025

Mr. Speaker: Chair, Ad Hoc Committee Proceed.

Version: 00

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Revision: 00

Hon. Benjamin Otsiula: Thank you, Honourable Speaker. I rise to lay on the table of this Honourable House a report by the Ad Hoc Committee on the Collection and Utilization of Agricultural CESS in Bungoma County since September 2022 to March 2025.

(Papers laid by Hon. Benjamin Otsiula)

Mr. Speaker: Honourable members, the report by the Ad Hoc Committee on the Collection and Utilization of Agricultural CESS in Bungoma County since September 2022 to March 2025 is hereby tabled by the Ad Hoc Committee Chair and formally becomes the property of the House accordingly.

NOTICES OF MOTION

REPORT OF THE HOUSE BUSINESS COMMITTEE ON PLENARY REVIEWS FOR THE PERIOD FEBRUARY-JUNE 2025

Mr. Speaker: Yes, Hon. Psero, issue a notice accordingly.

Hon. Jacob Psero: Mr. Speaker, sir, on behalf of the Chair, HBC, I wish to issue a notice of motion that this House adopts the report of the House Business Committee on plenary reviews for the period February-June 2025.

Mr. Speaker: Honourable members, a notice has been issued by the House Business Committee on the plenary review for the period from February to June 2025. The same is shared with the Honourable Members as the same will be coming up as a motion on our Order Paper once the House resumes from its short recess.

REPORT BY THE AD HOC COMMITTEE ON THE COLLECTION AND UTILIZATION OF AGRICULTURAL CESS IN BUNGOMA COUNTY SINCE SEPTEMBER 2022 TO MARCH 2025

Mr. Speaker: Yes Hon. Otsiula.

Hon. Benjamin Otsiula: Honourable Speaker, I rise to issue a notice of motion that this House adopts the report by the Ad Hoc Committee on the Collection and Utilization of Agricultural CESS in Bungoma County since September 2022 to March 2025.

Mr. Speaker: Thank you, Hon. Otsiula. Honourable members, a notice of motion has been duly issued by the Chair of the Ad Hoc Committee that this House adopts the report by the ADHOC Committee on the Collection and Utilization of Agricultural CESS in Bungoma County since September 2022 to March 2025.

The same is shared by the Table Clerks to the Honourable MCs.

Version: 00

Revision: 00

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**NOTICE ON DISBANDMENT OF BUDGET AND APPROPRIATIONS COMMITTEE AND PUBLIC
ACCOUNTS COMMITTEE**

Mr. Speaker: Hon. Ipara, there is indication you are the owner of this motion, proceed. You will have the microphone here because you cannot just walk around this way...

Hon. Johnston Ipara: Thank you, Honourable Speaker. I'm sorry for the inconveniences. That this House disbands the Budget and Appropriations Committee and the Public Accounts Committee for non-compliance with the Standing Orders and urge the Selection Committee to reconstitute the said Committee.

Mr. Speaker: Honourable Members, the said motion is a procedural motion. And the notice of motion is being issued that the said Committee of Budget and Appropriations, Public Accounts Committee be dispensed for non-compliance with the Standing Orders and urges the Selection Committee to have the said Committees be reconstituted. The motion is shared so that it is going to be part of our debate in the course of this sitting.

QUESTIONS AND STATEMENTS

Mr. Speaker: Honourable Members, we will change the procedure for now. Since we have around five statements coming up, we will start with a few remarks about our students in the public gallery and then come back to our statements.

So I think the host, Hon. Anthony Luseneka; you will be allowed to make your brief remarks. Chair, Education be ready and some energetic Honourable Members here whom I will be picking randomly.

Hon. Antony Luseneka: Thank you, Honourable Speaker for giving me this chance. First, I want to welcome Kisuluni Primary School to this County Assembly of Bungoma. This school is in Bukembe West Ward and when you look at the performance of that school, it has been number one in my Ward for the last eight years, so their performance is unquestionable and this it is because we have very good teachers who have accompanied the students. Mine is just to appreciate for the support especially that you have given me from 2017 and 2022.

We have a polling station in that school and the population of the registered voters is around 1,500 and out of which I have been getting over 700 votes from that polling station. I call it my *Tharaka Nithi* because it's the only polling station that always makes sure that I come to this County Assembly. So I appreciate the students plus the teachers and they always say that scratch my back while I do yours.

Version: 00

Revision: 00

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For the votes I got in 2017, we made sure that we have done a project in that school. 2022, I built two new classrooms ECD classrooms, we have also done roads around that school and last financial year 2024-2025, we drilled water in Kisuluni Secondary School. We are just waiting for completion then we try and see if we can pipe the residents around that school.

All the teachers are my close friends. They have supported me politically, also supported the students academically. In terms of development, they have also supported the community on matters of development and other activities.

Last year, we had pupils who went up to national schools in terms of extra-curricular activities. We had an athlete who went up to national school. They have a good football and Volley ball teams, so this is a school that is all around, both academics and extracurricular activities. So, if you take your child there to study, you are sure that he/she will come out an all-around person. So I just want to appreciate the good work the teachers are doing in that school, not forgetting that they have always campaigned for me and they have supported my vision. That is why I always feel proud when I associate myself with that school.

So, I hope the teachers, the pupils who have come here have learned something. Here we do legislation, oversight and representation. When I'm here, I'm representing the wishes and aspirations of your parents at home and anything that your parents need from the county, I always represent in this House. And that is why, when you go to that region, there is a big difference since I joined this House in 2017. So I just want to appreciate the support they have given me up to this time and I promise that I will never let them down.

Lastly, I just want to wish the pupils the best of luck in their academics. I will always support them, despite the fact that we had some shortcomings in terms of maybe bursaries and other support from the county, but I will always support them whenever they need my help.

Mr. Speaker: Thank you, Hon. Luseneka. Chair, Education,

Hon. Benjamin Otsiula (Chair - Education Committee): Thank you, Honourable Speaker. I also wish to add my voice and applaud the teachers and pupils of Kisuluni School for taking their time and considering it worthwhile to visit the County Assembly of Bungoma for a learning expedition. We also don't take it for granted that their teachers have shown commitment in nurturing these students and coming over so that they can witness the running of the Assembly as far as this County of Bungoma is concerned.

Version: 00

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Revision: 00

I want to laud the parents of these respective students for electing my fellow colleague in the legal profession, Hon. Anthony Luseneka, as the MCA for the second time running. Indeed, he's a committed member, a very productive member of this County Assembly and the entire county, having already served this House as the minority leader. He brings a wealth of experience and we celebrate him being one of our key leaders in this House.

Therefore, I must appreciate their parents and urge them to continue supporting Hon. Anthony Luseneka to deliver on the many, many promises he made to you and to the people who sent him to this House. Thirdly, I want to also laud these Honourable Members for always sparing time and supporting the very, very many students outside there. Reports coming are that despite we having a hitch and the county government being unable to disburse bursaries, these Honourable Members in this House, and I can confirm this, have struggled and sacrificed to pay school fees for several students back at home.

And I know Hon. Anthony Luseneka is one of them and he's also doing it diligently. Therefore, , as we appreciate the students on behalf of the Education Committee, I must also appreciate the Honourable Members for the sacrifice they are putting in to ensure that our students across the county are enjoying the fruits of education.

I want to remind our students that discipline precedes success. One day, Hon. Christine said that the roots of education are very bitter, but the fruits are very sweet. Hon. Christine Mukhongo is a revered member of Kimilili Ward and is also a teacher by profession.

For the many teachers who are in this House, thank you so much for nurturing us and bringing up people to take over and take this country and county to the next level.

As you go back to school, work very hard because don't say, I will work hard in the future. Today is yesterday's tomorrow. We expect you to excel and come out as very important people in this Republic.

You have already been taken through all the procedures. I witnessed sergeants taking you through the procedures of the House, telling you the oversight role of the House, the legislative and the representation role.

Therefore, I will only remind you that the majority side is led by the majority leader, who is the leader of the majority coalition or the majority party while the minority side is led by the minority leader, who leads the minority coalition or the minority party in the House. As you can see for yourselves, the Speaker is the one moderating the House. We have orderlies and

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Revision: 00

sergeants who ensure the safety of the House and give the Speaker ample time to moderate the proceedings.

We have several teachers in this Honorable House, which means that teaching is a noble profession. So students continue working hard to ensure that we have wonderful people in the future. I wish you well in your exams.

Mr. Speaker: Thank you, Hon Nganga...

Hon. Everton Nganga: Thank you, Honourable Speaker for giving me a chance. First, I would like to welcome the visiting school that is Kisuluni Primary School.

Currently, they have changed the names. They are using different words because they are combined with the Junior Secondary. First, I would like to thank the teachers from Kisuluni Primary School for visiting this County Assembly.

I'm happy because among the teachers who have organized to come with students in this County Assembly, two of them we were in the same school; one of them was my classmate at Kimugui Primary School and that is Jackline Namuhanywa, another one that is Nicholas. Nicholas was two classes behind me.

My father was a teacher and he was teaching us GHCR that was Geography, History, Civics and Religious Education.

(Laughter)

Mr. Speaker: Honourable Members, allow Honourable Member to proceed. You know some people sat for CPE, others sat for KCPE, and others sat for KAPE, so it depends which time you were schooling. Like Hon. Mukhanya sat for KAPE way back, others search for CPE, so it's just in order.

Proceed, Hon. Nganga.

Hon. Everton Nganga: Thank you, Honourable Speaker. I remember very well, my father, before he introduced the lesson of the day, he would begin with the current affairs. He told us that the national government has three sections that are the Executive, Judiciary, and the Legislature. We are the legislatures; we normally make laws that govern our County government. The County Executive is under His Excellency Hon. Kenneth Makelo Lusaka. When I was taking my pedagogy that is like KTTC, I came across a phrase known as nature nurture intelligence. Teachers in our gallery are actually nurturing the intelligence of our students. They are doing a lot to make sure that our students pass their exam.

Version: 00

Revision: 00

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To students, I would like to request them to work very hard and make sure that you be one time teachers or also legislators like us.

I would like to request students that when you go back home, tell your parents that you did something good to elect Hon. Luseneka to be your representative in the County Assembly of Bungoma. Last year you were here, I welcomed you. The County Assembly welcomed you very well when Hon. Luseneka was committed to other duties that were assigned by the County Assembly. But today, I'm happy you have come when he is around. Thank you for giving me a chance to contribute and welcome teachers from Kisuluni.

Mr. Speaker: Thank you, Hon. Caleb.

Hon. Caleb Wanjala: Thank you, Hon. Speaker for giving me an opportunity to also add my voice of appreciation for the students of Kisuluni Comprehensive Primary School. Kisuluni is a neighboring school to Bukembe East Ward, of course we share a name Bukembe and some of the students come from my Ward.

Mine is just to encourage the students that your parents have given you an opportunity to define your destiny or your future. You need to take it seriously and work hard knowing that a time will come when you will be on your own and what you are learning is what will help you in your future.

I want to appreciate the teachers who accompanied the students and the Head teacher for creating a conducive atmosphere that has helped this school to excel well in exams. Teachers, as you go home knowing your job is a calling because majority of the people who are here, if you ask each and every one of them, you will hear a good number of Honourable Members are either teachers or children of teachers.

This school was started by Salvation Army which means they have a very good spiritual background which will also help the students.

Proverbs Chapter one, verse 7 says the fear of the Lord is the beginning of all knowledge, wisdom and understanding. If you give God first priority in your life, you will succeed because there are people who are successful but because they do not have good virtues or character that has limited them even to be employed. Right now young men and women especially those who are calling themselves Gen Zs have made several leaders to have sleepless nights and I want to encourage our students to diversify their skills so that it is not a must for them to be employed, but they can be successful in business and farming.

Version: 00

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Revision: 00

Lastly, I wish to advice our students that the best way to solve issues is not burning or running around. There are better ways where we can sit down, dialogue and come up with solutions that can help our school and country.

Mr. Speaker: Thank you, Hon. Nganga. Hon. Anyango, proceed.

Hon. Everlyne Anyango: Thank you, Hon. Speaker. I want to take this time and opportunity to thank the teachers of Kisuluni Primary for seeing it good to bring these children to this Honorable House. To students, I want to tell you that in education, the first thing that will give you good marks is discipline and that is why you saw me greeting the Honorable members that were in the House and when I heard the word Mr. Speaker, I ran all the way from that side and came this side and I almost fell because the Honorable Speaker should not find me walking around. That is just a lesson that you have to learn that discipline to your parents, teachers and to nature and when I talk of nature, it includes everything around will propel you very high.

Education will propel you to higher levels. Get a good job but without discipline you will not stay on that job. I want to thank all teachers that have accompanied students to this House. One of the teacher's Mr. Nicholas is my immediate neighbor and most of the students in this school also come from my neighborhood.

As you go back, tell your parents that they brought to this House a very good servant Hon. Luseneka. He is a good listener, servant and he is a man who knows what exactly brought him to this House as he performs his roles perfectly.

Mr. Speaker: Thank you, Hon. Everlyne Anyango. Hon. Ali Machani, you wind up that contribution.

Hon. Ali Machani: Thank you, Hon. Speaker. First of all, I want to thank the teachers who have managed to bring students from Kisuluni Comprehensive School in this House. I have been informed that it is an institution that is having ECDE, Primary, Special school and Junior Secondary. It is called a comprehensive school.

I am proud of the parents of this school for having elected the member of this County Assembly seated next to me. In this country; we are getting a lot of challenges because people are in a hurry to make an informed choice. By giving a leader five years and removing him mostly at the lower level and those areas that this County has managed to give us leaders twice, they have realized development. It does not mean that those who have been there for five years have not done serious development, but I am proud of the leader seated closer to me that he is one leader that has served this House the second time. And he is one of the leaders who is consulting on a highest tone. So, I may lose memory. Sometimes my memory may not serve me well.

Version: 00

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Revision: 00

We have high regards to the people that elected Hon. Luseneka to serve the second term and these are the parents that have a future on their leaders. I always pass near Ndengelwa, there is an institution that has come up there, a very serious library. I would prefer that as they come to familiarize themselves with these institutions, they should also pay a visit to that library. I have shared with Hon. Luseneka several issues and challenges he has gone through to bring up that institution.

I have been there severally but it's very rare to come up with such an idea of improving the learning culture in our community. Our teachers, kindly propel that agenda of taking learners to that institution away from this Assembly and this one I want to share with my colleagues seated here that as much as we are all professionals and serious business people from different backgrounds, others worked for Government like Hon. Ipara, they have served this country but going to class for six years is very rare even me personally I cannot.

We have only five individuals here away from other professionals and I am not ashamed to name them. Hon. Emmanuel Situma, Otsiula, Anthony Lusenaka, Linda Kharakha and Ken Wanyama. These are people we are always proud of and from where I sit from the team seated on the left hand from where you are coming from, we have only Hon. Luseneka who is a lawyer by profession and they normally call themselves the learned friends. When they say learned friends or colleagues, other professions have few individuals who will recognize their colleagues...

Mr. Speaker: Hon. Sudi, can you clarify? Nothing bars somebody from being a surveyor and a lawyer by profession. So there is nothing wrong in that.

(Loud consultation)

Let us hear you!

Hon. Isaiah Sudi: You know Hon. Speaker, what I have heard is that there are only four or five people here in this Honorable House and the rest it is like they have never been to school.

(Laughter)

How can you wake up and demean other professions? Allow the Honorable member to withdraw.

Mr. Speaker: Hon. Sudi, there is nothing offensive, he said the professionals...

Hon. Isaiah Sudi: Hon. Speaker, it's very offending.

Mr. Speaker: You are the lawyer, we have...

Hon. Isaiah Sudi: When I am counted among those who never went to school.

Version: 00

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Revision: 00

Mr. Speaker: Hon. Sudi, you are a professional surveyor and we respect you with Hon. Waiti. We do not demean a profession and we still require your services. We value you so much. Proceed!

Hon. Ali Machani: Honorable Speaker, thank you for assisting me to navigate this point back home. You know whatever we are using is a portable language and once it is a portable language, parents paid for it and they paid for different professions and fields so when we are talking about lawyers, we are talking about a certain field and when talking about teachers, it's a different field and I have also said we have people who have served this country in different capacities and even we have business people and serious farmers so when we are talking about farmers, we cannot mix lawyers there.

So, my senior who is my whip from the other side of the leadership and I want to recognize him that he is also a professional...

(Loud consultation)

Mr. Speaker: Sorry, I thought I was putting on...

Hon. Ali Machani: You are doing it, I have not complained.

Mr. Speaker: Just proceed and wind up please!

Hon. Ali Machani: Thank you, Hon. Speaker. I want to thank Hon. Lusenaka for bringing this team here. We want to appeal to the teachers and parents to continue supporting him. He has good ideas and dreams to take and navigate this community to the next level.

I want to thank the professionals who are in this House more so the lawyers who are advocates of the high court. You can be a lawyer but not an advocate of the high court.

(Laughter)

Mr. Speaker: It's very true; you might have done your degree, without being allowed to practice, you are not. I think we are done.

(Loud Consultation)

Order members!

On behalf of the rest of the Honorable members, the Assembly Leadership and the Management of the Assembly we join the other Honorable members to wish the students from Kisuluni SA Primary and Junior Secondary School the best of luck in their studies.

QUESTIONS AND STATEMENTS

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STATEMENT IN RELATION TO THE STATE OF CASUAL WORKERS IN THE COUNTY GOVERNMENT OF BUNGOMA AFTER THE COURT RULING IN THE DISPUTE BETWEEN THEM AND THE COUNTY GOVERNMENT BY HON. JOHN KENNEDY WANYAMA

Mr. Speaker: Hon. Kennedy Wanyama, proceed.

Hon. Kennedy Wanyama: Thank you, Hon. Speaker. I rise to seek a statement from the Chairperson, sectoral Committee on Labor Relations, Member Services and Facilities in relation to the state of casual workers in the County Government of Bungoma after the court ruling in the dispute between them and the County Government.

In the statement, let the Chairperson elaborate and provide the following details;

1. Avail details of the affected casuals as per court documents detailing what position each one of them held and dates of employment.
2. Avail the court ruling that was delivered in their favor detailing what action the executive was expected to take.
3. Avail the results of the physical verification exercise carried out by the executive regarding the affected casuals.
4. What action has the executive taken after the court ruling? If they have been reinstated, how many are they and in what positions have they been employed.
5. Provide the payroll prior to the court judgment and after the judgment for verification.

Mr. Speaker: Hon. Hentry or is that under Hon. Tony! Hon. Hentry, proceed!

Hon. Hentry Nyongesa: Thank you, Hon. Speaker. Before I seek for the time, I require your advice; this matter is still being handled by the court. I need your legal advice on that.

Mr. Speaker: Last time we checked was the implementation stage. When we had discussion with the Governor, they were doing physical verification of the casuals in Mabanga. So I think it's no longer in court, it's basically at the execution stage, unless you tell me we have a new application filed in court. I know the case was determined, we have orders for implementation.

So, let's give you two weeks to give us feedback but let nobody hide in the court. We are aware of that position; let's have feedback on the same. I'm sure those people come from these 45 wards and the Honorable members are anxious to know the outcome of that verification.

Hon. Hentry Nyongesa: Most obliged.

Mr. Speaker: So Hon. Hentry, as we break today, we will be able to have a feedback on 24th of this month.

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Revision: 00

STATEMENT IN RELATION TO THE UPCOMING ADMINISTRATION BLOCK THAT WILL HOUSE THE OFFICES OF THE EXECUTIVE BY HON. JOHN KENNEDY WANYAMA

Mr. Speaker: Hon. Ken, proceed.

Hon. John Kennedy Wanyama: Thank you, Hon. Speaker. I rise to seek a statement from the Chairperson sectoral Committee on Lands, Urban, Physical Planning and Housing. This is in relation to the upcoming administration block that will House the offices of the Executive.

Let the Chairperson enquire and provide the following details;

1. Why the project is domiciled in the department of Housing and Lands instead of Public Administration.
2. Provide the plans and bills of quantities for the project.
3. How much has been paid towards the project so far? When was the same paid and provide payment vouchers to support the same.
4. How much is the balance to the contractor?
5. At what level is the project in terms of implementation?
6. Are the works done commensurate with the payments made so far?
7. What was the commencement date of the project?
8. What was the project completion date?
9. Whether there was allocation of funds for the project as at the stipulated commencement date.

Mr. Speaker: Equally, Chair Lands, Hon. Chemion!

Hon. Francis Chemion: Thank you, Hon. Speaker. I have heard the statement and I request for 14 days.

Mr. Speaker: Hon. Chemion, you have 14 days. It will take us up to 24th July, 2025.

STATEMENT IN RELATION TO THE CONSTRUCTION OF A MATERNITY WING AT MUNGORE HEALTH CENTER IN KHASOKO WARD

Mr. Speaker: Hon. Otsiula, the happiness of Hon. Florence Juma is good because she sat this side and I think Hon. Tendet is very happy too today. Hon. Otsiula, proceed.

Hon. Benjamin Otsiula: You are going to cause trouble because she is flanking me and you are saying Hon. Tendet is happy. Hon. Speaker, you have to be very careful.

Version: 00

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Revision: 00

Thank you Hon. Speaker. I rise to request for a statement from the Chairperson, sectoral Committee on Health Services. The statement is in respect to the construction of a maternity wing at Mungore Health Center in Khasoko ward.

Aware that in the Financial Year 2024/2025, the County Assembly approved a budget of Kshs 4,000,000 for construction of a maternity wing at Mungore Health Centre.

In the statement let the Chairperson enquire into and report on the following;

1. The procurement process, advertisement, evaluation report, professional opinion and award.
2. The names of directors of the company that won the tender to construct the maternity wing that is CR6.
3. THE BQ's of the project.
4. Provide the contract agreement for the project.
5. Status of the project and how much has been paid to the contractor.
6. Explain why the project has stalled
7. Action taken on the contractor for failure to adhere to the timelines stipulated in the contract agreement.
8. Measures the department has put in place to ensure the project is completed.
9. Any other information deemed necessary.

Mr. Speaker: Yes, the concerned Chair, Health. A very senior ranking member of the committee. Hon. Waiti!

Hon. Wafula Waiti: Thank you, Hon. Speaker. On behalf of the committee, I seek for 14 days.

Mr. Speaker: Since I have been able to allocate already two statements on our Order Paper, we will take the following week on a Tuesday 29th at 2:30 p.m. like such an hour for your response.

Hon. Wafula Waiti: Thank you, Mr. Speaker.

STATEMENT TO MANAGEMENT OF THE COUNTY EMERGENCY FUNDS IN BUNGOMA COUNTY BY HON. JOHNSTON IPARA OKASIDA

Mr. Speaker: Yes, Hon. Ipara Okasida, proceed!

Version: 00

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Revision: 00

Hon. Johnston Ipara: Thank you, Hon. Speaker. I rise to request for a statement from the Chairperson sectoral Committee on Finance and Economic Planning. This is in relation to the Management of the County Emergency Funds in Bungoma County.

In the response, let the CECM state and elaborate on the following;

1. Do the regulations outline the sources eligible expenditures, approval procedures and accountability mechanisms?
2. What is the total amount allocated to the emergency fund in each of the Financial Years 2022/2023, 2023/2024 and 2024/2025?
3. How much was withdrawn from the fund each Financial Year and provide statements including relevant tender documents/cash purchase receipts where applicable?
4. Let the CECM provide a list of specific emergencies /disasters where expenditure was incurred and indicate the benefitting ward.
5. Who authorized the expenditure?
6. Did the CECM report the said expenditure to the County Assembly within two months as required under the Public Finance Management Act.
7. When such a report was last submitted to the County Assembly for approval?
8. Has the emergency been audited by the Office of the Auditor General for the period in question and if yes let the CECM provide copies of the said reports?
9. If adverse findings were made, what actions have been taken to remedy the anomalies?
10. Is the public aware of the existence and purpose of the emergency fund?
11. Have any ward administrators and community leaders been involved in reporting, assessing or responding to emergencies?
12. What systems are in place to monitor and evaluate the impact of emergency Fund expenditures?
13. Since the enactment of the regulations, have they served their purpose and if not, has the department put any proposals for review to the County Assembly to enhance controls and reporting timelines?

I submit.

(Applause)

Mr. Speaker: Hon. Vice Chair, Orize!

Hon. Orize Kundu: Asante Mheshimiwa Spika. Naomba muda wa wiki mbili.

(Loud Consultation)

Mr. Speaker: How long?

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Revision: 00

Hon. Orize Kundu: Two weeks!

Mr. Speaker: Honorable members, he is being very fair. If we are adjourning today, we will resume on 22nd so what do you want him to do? To ask for 7 days?

(Loud Consultation)

Order Honorable members! Hon. Meshack, proceed.

Hon. Meshack Simiyu: Mheshimiwa Spika, naomba mwenzangu Juma Orize, ukiangalia maswali yenye Mheshimiwa Ipara ameuliza, na kulingana na vile tunataka tupate jibu kamili, ningomba mwenzangu umpe siku ishirini na moja ili aende afafanue maswali sawasawa.

(Applause)

Mr. Speaker: Honorable Members let me allow Hon. Machani but if the Chair of the Committee is saying 14 days, why are you refusing?

(Loud Consultation)

Above all as we are doing so, be aware that feedback will come from the Executive not us here, so why are you worried. Hon. Ali Machani!

Hon. Ali Machani: Hon. Speaker, I think it's like we are reasoning from the same script. This is a very serious vice chairman of the committee and the members who are in that committee are overqualified to handle this document. They are just 10 items and they are not the ones answering. The response will come from the executive, so why should we be worried?

(Applause)

Mr. Speaker: Because when talk of Wards, I can still use my discretion and say that the CECM and the Fund Manager to appear here. So Hon. Orize, we will allow the CECM to come here and the Fund Manager, so that we ask them questions from here. So I will give them three weeks to bring feedback on the floor of the House not in the committee.

(Applause)

(Loud Consultation)

Honorable members, we will have a feedback on 30th July and at 2:30 p.m. The CECM, Chief Officer, Director of that fund to appear to answer these queries.

(Applause)

Version: 00

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Revision: 00

Because I know you always appropriate money and everybody will keep on asking; where is the emergency happening? Yes Hon. Linda?

Hon. Linda Kharakha: Thank you Mr. Speaker. From the statement and the direction you have given that the CEC and the person holding the docket of Disaster Management should appear here. My question is, currently we have a new person in that office, do we recall the person who was holding office before or the person...

Mr. Speaker: Hon. Linda, that office has professionals. We have people there. Above all, the CECM is at the policy level, there is an Accounting Officer and the Fund Manager. Let them appear here. I am trying to pre-empt the scenario of weak oversight.

(Laughter)

(Applause)

Since they said you are a weak oversight entity, let them come here and tell you how weak you are. Let's proceed!

MOTION

REPORT OF THE SECTORAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALIZATION ON IMPLEMENTATION OF HOUSE RESOLUTIONS IN THE YEAR 2022/2023

Hon. Bernard Kikechi: Thank you, Hon. Speaker. Maybe before I begin, members of the committee Trade, Energy and Industrialization, be upstanding kindly!

(Loud Consultation)

Mr. Speaker: Members, let me confirm the people who signed the report so that they are able to confirm; Hon. Bernard Kikechi, Ali Machani, Joan Kirong', Milliah Masungo, Jack Wambulwa, Charles Nangulu, Alfred Mukhanya, Polycarp Kimeta, John Wanyama, Maureen Wafula, Linda Kharakha, Bosire Aggrey, Bridgit Katasi .Angeline Rugut, Alice Kibaba. The quorum is overflowing. Proceed!

Hon. Bernard Kikechi: Thank you, Hon. Speaker. I am here to move a report for the committee of Trade Energy and Industrialization on the Implementation of House Resolutions for Financial Year 2022/2023.

The purpose of this report is to assess the extent to which the department has implemented the House resolutions. These House resolutions were adopted and forwarded to the County Executive Committee Member in accordance with Standing Order 205. The Committee invited

Version: 00

Revision: 00

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the department to appear before it within the precincts of the County Assembly of Bungoma, via a letter referenced CAB/ADM/6VOL.V (93). The Committee conducted its interrogation on 13th May, 2025 at 9:00 a.m. and thereafter compiled a report for consideration by this honorable House.

It is therefore my duty to present the report of the Committee on Trade, Energy, and Industrialization on the House resolutions on the following reports:

1. The report on the Status of Trade Loans in Bungoma County, adopted on 26th April 2023
2. The report on the Assessment of Streetlights in Bungoma County as at September 2023, adopted by the House on 2nd November, 2023
3. The report on the Bungoma County Government Financial Statements for the period ended 31st March 2023, adopted on 20th September 2023.

The Mandate of the Committee

The Trade, Energy and Industrialization committee was established on 26th October, 2022 in accordance with the Standing Order No.179.

The mandate of the Committee is derived from the Standing Order 217 (5) and matters assigned under the Second Schedule which shall be exercised within the limits contemplated under Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010.

The functions of a Sectoral Committee shall be to;-

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Consider quarterly reports of the assigned departments and report to the house within Twenty-one sitting days upon being laid
- (c) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (d) Study and review all county legislation referred to it;
- (e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (f) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (g) To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 208 (Committee on Appointments); and
- (h) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation

Version: 00

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Revision: 00

Committee Membership

The following is the committee membership as currently constituted;

1. Hon. Bernard Kikechi	Chairperson
2. Hon. Joan Kirong	Member
3. Hon. Milliah Masungo	Member
4. Hon. Kimeta Polycarp	Member
5. Hon. Jack Wambulwa	Member
6. Hon. Alfred Mukhanya	Member
7. Hon. Ali Machani	Member
8. Hon. Charles Nangulu	Member
9. Hon. Kennedy Wanyama	Member
10. Hon. Moureen Wafula	Member
11. Hon. Angeline Rugut	Member
12. Hon. Bosire Aggrey	Member
13. Hon. Bridgit Katasi	Member
14. Hon. Alice Kibaba	Member
15. Hon. Linda Kharakha	Member

Legal Framework on County Assembly Authority on House resolutions

In the execution of its mandate, the Committee on Trade, Energy & Industrialization is given a legal backing under the Constitution of Kenya 2010, the County Governments Act, 2012, and the County Assembly of Bungoma Standing Orders. These statutory provisions include:

1. Constitutional provision on Legislative authority of County Assemblies Constitution

Article 185 of the Constitution of Kenya, 2010 outlines the Legislative authority of a County Assembly and states that “...legislative authority of a county is vested in, and exercised by, its county assembly....” The article goes on to specify in article 185 (3) that *A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.*

Obligations of Accounting Officers

The County Government Act, 2012 section 39 goes further and provides for the Accountability of members of the executive committee to the extent that they are individually and collectively accountable in the exercise of their powers and performance of their duties and responsibilities. Section 39 (2) provides that;

(2) *A committee of the county assembly may require a member of the executive committee to—*
 (a) *Attend or appear before the committee; and*

Version: 00

Revision: 00
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(b) Answer any question relating to the member's responsibilities.

3. Standing Orders provisions on County Assembly Resolutions

The County Assembly of Bungoma Standing Orders provides for transmission and feedback mechanisms on House resolutions to the relevant entities responsible for implementation of such resolutions and it states as follows. Standing Order 205 states that;

- (1) The Clerk shall, within seven days of a resolution of the House or adoption of a report of a Select Committee, convey the resolution and where applicable, a copy of the report, to the relevant County Executive Committee Member, independent Commission or holder of a Statutory Body under whose portfolio the implementation of the resolution falls.
- (2) Within sixty days of a resolution of the House or adoption of a report of a Select Committee, the relevant County Executive Committee Member under whose portfolio the implementation of the resolution falls, shall provide a report to the relevant Committee of the County Assembly in accordance with Article 183 (3) of the Constitution.

Acknowledgement

On behalf of the Committee, I wish to sincerely appreciate the office of the Speaker and that of the Clerk of the County Assembly for the willingness to facilitate the Committee during its assignment.

I also acknowledge the Honourable Members for their time, insights and team work. Their dedication, active participation and commitment played a crucial role in the successful execution of this assignment. I also commend the secretariat for their utmost devotion towards the compilation of this report. I further do confirm that the recommendations of the Committee in this report were unanimous.

It is therefore my pleasant privilege and honor to present to this House the report of the Committee on Trade, Energy and Industrialization on the implementation of House resolutions.

Report signed by Hon. Benard Kikechi Chairperson, Trade, Energy & Industrialization Committee.

REPORTS PRESENTED ON HOUSE RESOLUTIONS

The committee considered the following reports that were approved by the House and their resolutions forwarded to the department for further action.

1. Report on the Status of Trade Loans in Bungoma County

Version: 00

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Revision: 00

The Committee undertook an inquiry into the accessibility, utilization, and performance of trade loans issued by the County Government to local traders. The report presented findings on the management of the loan fund, identified challenges such as repayment rates and accessibility, and provided actionable recommendations to enhance loan administration and transparency as adopted by the House on 26th April, 2023.

2. Report on the Assessment of Streetlights in Bungoma County as at September 2023.

The Committee assessed the status of public lighting infrastructure across various Sub-counties. Key focus areas included functionality, maintenance, energy sources, and geographical distribution. The report highlighted gaps in maintenance, areas lacking coverage, and proposed a phased strategy for upgrading and expanding the street lighting network. The report was adopted on 2nd November 2023.

3. Report on the Bungoma County Government Financial Statements for the Period Ended 31st March 2023

This report analyzed the financial performance of the Trade, Energy and Industrialization sectors within the County's budget. It evaluated the fund absorption, budget implementation status, and compliance with financial regulations. Recommendations included improved fiscal planning, prioritization of key projects, and strengthening internal audit mechanisms. The report was adopted on 20th September 2023.

Interrogation of the House Resolutions

Report on assessment of streetlights in Bungoma County as at September, 2023

The committee carried a fact finding exercise on the status of street lighting across the County. The resolutions passed by the House were as follows:

THAT the department should:

- a) Formulate repair and maintenance (framework/policy) for County streetlights.

Departmental Response

The Department submitted that it does not currently have a policy in place for streetlight installation and maintenance. However, the CECM highlighted that a policy technical working group comprising eleven members had been formed and is expected to develop relevant policies by August, 2025.

Implementation status: Not implemented.

Justification: The CECM cited budgetary constraints as a major hindrance.

- b) Develop an inventory of the number, location, and status of all streetlights within the County.

Version: 00

Revision: 00

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Departmental Response:

The department provided a list of street light metres and account numbers specifying their location. However, an inventory of solar street lights was not provided.

Implementation status: Partially implemented. (See annexure I).

- c) Allocate more funding for installation and maintenance of additional market streetlights.

Departmental Response

The Department was unable to increase allocations for additional market streetlight installation due to departmental budget ceilings.

Implementation status: Not implemented.

Justification: Budgetary constraints

- 2. The department should focus on installing solar-powered streetlights due to sustainability and avoidance of Kenya Power bills.

Departmental Response

The Department highlighted that is considering electricity-powered floodlights instead of solar-powered ones due to their six-year durability, which is viewed as a cost-saving measure thus reducing the frequency of maintenance.

Implementation status: Not implemented.

Justification

The department highlighted the solar powered street lights are costly to maintain, prone to vandalism and their batteries are less durable since they are easily affected by moisture especially during rainy seasons.

- 3. Develop market infrastructure and install streetlights in rural centers and markets to promote business and increase County revenue.

Departmental Response

The department had not implemented the resolution.

Status of implementation: Not implemented.

Justification: Budgetary constraints

- 4. Devolve management and repair of streetlights to sub-county levels and empower market management committees. Require monthly reporting from committees.

Departmental Response

Version: 00

Revision: 00

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The Department has not taken any measures to empower market management committees for oversight or vandalism prevention. However, they assured the committee that within two months, policies will be developed to support implementation of this recommendation.

Status of implementation: Not implemented

Justification: There was no policy in place

Committee Observations

The committee observed the following:

1. The Department of Trade has no existing policy on streetlight installation and maintenance, although a policy technical working group has been formed with a projected output timeline of August 2025. This indicates a significant policy gap in streetlight infrastructure management.
2. The executive cited budget ceilings as a constraint preventing increased funding for streetlight installation and maintenance. This suggests that street lighting is not prioritized within the County's fiscal planning.
3. Failure to Respond to Key Recommendations like developing an inventory of streetlights, and Expanding street lighting to rural centers received no direct response, indicating either oversight or a lack of planning and capacity.
4. The Department acknowledges it has not empowered market management committees, nor has it devolved repair and oversight to the sub-county level, as recommended. Promised future action in two months lacks concrete implementation timelines or resource backing.
5. Most of the executive responses reflect plans for future actions rather than evidence of on-going implementation, showing a reactive approach to governance and service delivery.

Report on the status of Trade Loans in Bungoma County

With regard to the aforementioned report, the House resolved as follows:

1. **THAT**, department MUST fast track the process of gazettement of the Trade Loan regulations to ensure there's a legal framework to operationalize the fund prior to disbursement of funds.

Departmental Response

The process of establishing the County Trade Development Loan Fund Regulations was finalized, and the regulations were gazetted on 25th September, 2023.

Status of implementation: Implemented.

Version: 00

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Revision: 00

1. Develop a proper record management system to enhance accountability and transparency.

Departmental Response:

The loan management system has been automated, but the department has not been able to pay annual software assurance for the last 5 years due to fund dormancy. This has limited access to the system. However, the vendor has been engaged to discuss payment modalities and system updates to ensure efficiency.

Status of implementation: Partially implemented

Justification: Budgetary constraints

2. Submit quarterly reports on Trade Loan Fund to the County Assembly.

Departmental Response

The department was fully compliant with reporting requirements and has been preparing and submitting all quarterly and annual financial statements to the relevant bodies.

Status of implementation: Implemented

3. The department MUST send demand letters to the county staff in default and institute recovery measures as per the HR guidelines and the regulations. In addition, the department should review the credit policy on loan application, vetting, appraisal and loan recovery. Members of staff should equally be barred from benefitting from this scheme to avoid conflict of interest and further a clear interpretation of an applicant be spelt out in the Trade Loans regulations.

Departmental Response

Demand notices were issued to all defaulters. However, recovery has been a challenge. Check-off recovery from staff was effected following CHRAC's resolution, with a total recovered amount of KES 2,346,254.00 from August 2024 to February, 2025 as follows:

Month	Amount (KES)
August	416,938.00
September	378,779.00
October	355,760.00
November	338,508.00
December	325,511.00
January	270,040.00
February	260,718.00
Total	2,346,254.00

Version: 00

Revision: 00

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A list of recovery from staff beneficiaries is attached to this report.

4. Comply with advisories from the Controller of Budget and Auditor General for fund sustainability.

Departmental Response:

The department confirms adherence to the advisory, has submitted all supporting documentation (budgets, statements, vouchers), and engaged both internal and external auditors. Despite exceeding the 3% administrative cost cap, no irregularity was flagged by auditors, though the department acknowledges the need to control administrative expenses. The Department did submit bank balances and expenditures through financial statements.

Implementation status: Implemented.

5. Comply with the Public Finance Management Act, 2012, and ensure MSMEs benefit across the county.

Departmental Response

A loan repayment platform is in place using Pay bill No. 494855, with the ID number as the account. Challenges in system maintenance stem from unpaid software assurance fees and internet costs.

Evidence of Implementation; Implemented

6. Improve on sensitization and trainings of the public/ beneficiaries on the importance of the revolving funds, how to access it, the purpose of the loan as well as the need for loan repayment. The trainings MUST be done prior to the programme rollout.

Departmental Response

To support MSMEs, the department has partnered with Kenya Institute of Business Studies and Equity Foundation for training and sensitization, though funding constraints affects logistics like venue hire, facilitators, and materials.

Implementation status: Partially implemented

Justification: Budgetary constraints.

7. Capacity-build the Fund Administrators, County Trade Loan Board, and Ward Vetting Committees for effective vetting and fund management.

Departmental Response

Initial induction was conducted for both ward and county committees. However, continuous training has been limited due to inadequate administrative funds. Attempts to collect field data

Version: 00

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Revision: 00

through ward and village administrators for due diligence have faced poor response, again due to lack of facilitation funds.

Implementation status: Partially implemented

Justification: Budgetary constraint

8. Due diligence MUST be conducted to ascertain the true loan portfolio and how much of the current loan is recoverable. This will segregate data of all the loan beneficiaries including those still active in business, deceased cases, relocated business, closed, and those that are doubtful of recoveries.

Departmental Response

The department did task the ward administrators to engage the village administrators to collect data to aid the department in making an informed decision on the future of the fund. However, there has been low from the administrators impairing the process of data validation.

Status of implementation: Not implemented.

Justification: Lack of funds to facilitate the administrators to undertake the exercise.

9. Any officer who served at the County Trade Loan Fund should not be allowed to run the fund until their names are cleared by the CECM Trade and Finance.

Departmental response

The Chief Officer assured the committee that the officers were cleared to continue serving.

Status of implementation: Implemented.

Committee Observations

The committee observes as follows:

1. The Trade Loan Development Fund Regulations were finalized and gazetted in September 2023, showing progress in creating a legal basis for loan operations and future budget allocations.
2. While the loan management system has been automated, non-payment of software assurance fees for 5 years has hindered access and system performance. This reflects poor financial planning and lack of prioritization for essential administrative operations.
3. The department has complied with quarterly and annual reporting obligations to the County Assembly and relevant oversight bodies, which is commendable and promotes transparency.
4. Despite issuing demand notices and initiating check-off recovery from County staff, loan recovery has been minimal. The department is in the process of procuring debt collection services, indicating delayed enforcement of recovery measures. Recovery from 188

Version: 00

Revision: 00

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county staff through check-off (KES 2.3 million) shows partial success, but there is no mention of action against non-staff defaulters.

5. The department demonstrated full cooperation with internal and external auditors, submitting all relevant documentation. However, administrative costs exceeded the 3% cap, though not flagged as irregular by auditors.
6. While the department has partnered with external organizations for MSME support and training, activities have been limited due to lack of funds for logistics, training materials, and facilitation.
7. Only initial induction was conducted for loan fund governance structures. Ongoing training and oversight are lacking, mostly due to budget limitations, hindering effective fund administration and vetting.
8. The process of data validation has not been done as recommended.

Report on the Bungoma County Government Financial Statements For the period ended 31st March, 2023 in respect to The Energy and Industrialization

The following were the resolutions made by the House:

1. **THAT** the Department should comply with Regulation 93 (5) and (6) of the PFM Regulation, 2015) on surrendering imprests.

Departmental response;

The department implemented the resolution and provided supporting documents as attached.

Implementation status; implemented.

2. **THAT** the department should scrutinize the bank statements for all the trade loans accounts and report on the fund be submitted on a quarterly basis to the County Assembly for scrutiny.

Departmental response

The department is fully compliant with reporting requirements and has prepared and submitted all quarterly and annual financial statements to the relevant bodies. Equally, the committee agreed to have considered Trade loan quarterly financial statements and did a report that was approved by the House on 26th March, 2025.

Implementation status: Implemented

3. **THAT** the department should forward a detailed report on monthly/annual work plans and budget implementation status to the committee for comparison purposes with the financial report. Furthermore, the department to prioritize activities to be undertaken with specified timelines (work plan) to ensure successful implementation of its programs.

Version: 00

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Revision: 00

Implementation status: Not implemented

Committee Observations

The committee observed the following:

1. **THAT**, the department ensured the outstanding imprests were surrendered.
2. **THAT**, the department has been submitting quarterly reports and financial statements to the relevant bodies.
3. **THAT**, the department has not been submitting monthly work plans as recommended by the committee.

COMMITTEE OBSERVATION AND RECOMMENDATIONS

Recommendations

The committee observed that:

1. The County Executive Committee Member had not submitted any progress report on the House resolution to the committee as provided by standing Order 205 (2).
2. Most of the House resolutions had not been implemented as at the time of the interrogation.

Committee recommendations

The committee recommends the following:

1. **THAT**, the County Executive Committee Member for the department of Trade, Energy and Industrialization should always respond promptly to the House resolutions communicated within the stipulated timelines and furnish the committee with a report on the progress of implementation.
2. **THAT**, the department should submit a progress report with regard to the implementation status of the recommendations with regard to the House resolutions within 30 days from the date of adoption of this report.

That is the end of the committee report and now it is my pleasure to call upon Hon. Alice Kibaba, specially elected MCA to this County Assembly to second the report.

Hon. Alice Kibaba: Thank you, Mr. Speaker. First, let me congratulate the mover of the motion who is the chair of the Committee of Trade, Energy and Industrialization for moving the report well.

On street lighting, Bungoma is an Agricultural economy and the department of Trade needs to prioritize and allocate resources to create a 24-hour economy in the County. To achieve this, the department should focus on prioritizing and allocating resources towards installation and maintenance of street lights and building of markets and infrastructure to support local traders.

Version: 00

Revision: 00

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On Trade loans, let the department finalize and submit the report to show how much of the loans given out are collectible and how much are not collectible to facilitate necessary action.

Further, let the department ensure that the amount owed by the 108 members of staff is fully recovered as soon as possible. I second the motion.

Mr. Speaker: Thank you, Honourable members. Allow me be able to propose a motion for debate.

(Motion proposed)

(Loud consultation)

What is the color of this mood? I am told that the mood is very friendly.

Hon. Otsiula, I will report you to Hon. Meshack Museveni and you will see fire.

(Laughter)

(Question put and agreed to)

Next motion,

PROCEDURAL MOTION ON THE DISBANDMENT AND RECONSTITUTION OF THE BUDGET AND APPROPRIATIONS COMMITTEE AND THE PUBLIC ACCOUNTS COMMITTEE FOR NON-COMPLIANCE WITH STANDING ORDERS

Hon. Johnston Ipara: Honourable Speaker Sir, I raise pursuant to Standing Order 64(1) of this House to move the following motion.

Aware that the Budget and Appropriation committee is mandated to consider budget estimates, revenue allocations, and financial planning, while the Public Accounts and Investment committee is tasked with oversight, audit, and scrutiny of public expenditure, including funds appropriated through the same budget process.

Concerned that pursuant to Standing Order 209 and 210(3) of this Assembly, the Public Accounts Committee and the Budget and Appropriations Committee are distinct oversight committees established to perform separate and independent functions.

However, some Honourable members currently serve concurrently in both committees, thereby creating a significant conflict of interest and posing a serious threat to the neutrality, fairness,

Version: 00

Revision: 00

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and credibility expected in the exercise of oversight roles. This dual membership raises reasonable doubt as to the ability of such members to remain impartial given that they are effectively involved in scrutinizing and auditing decisions in which they participated, either directly or indirectly. Such an arrangement undermines the principle of separation of functions and erodes the dependency and the legitimacy of the assembly's oversight process.

Further concerned that another Honourable member serve both the County Assembly Service board and the Budget and Appropriations Committee which is directly involved in managing and appropriating the Assembly's internal operations and finances. This dual role presents a clear conflict of interest raising serious concerns about impartiality, transparency, and accountability as the same member is involved in the planning, execution and indirect oversight of the Assembly's expenditure. Such overlap compromises effective checks and balances and may hinder the prudent use of public resources.

Noting that such instances of dual or triple membership contravene the Leadership and Integrity Act 2012 particularly section 16 which requires state officers to withdraw from the decisions where impartiality may be reasonably questioned.

Further, noting that Parliamentary and Public finance oversight best practices require strict dependency between budgetary planning committees and audit stock oversight committees to ensure transparency, accountability and public trust in institutional processes.

Aware also that Standing Order 210 of this Assembly establishes the Budget and Appropriation committee and outlines the requirements that its composition reflects sub-county diversity and includes two members representing special interest groups, including youth, women, minorities, or persons living with disabilities.

Concerned further that the current composition of the Budget and Appropriation committee violates the provisions of Standing Order 213 by lacking representation from Kimilili and Tongaren constituencies while over-representing others specifically; Kanduyi, Kabuchai, Bumula, and Webuye West which undermines the principles of inclusivity, equity and fairness.

Acknowledging the recent judgment by the High Court of Kenya in the case of Luseneka and another versus the County Assembly of Bungoma and another petition number E-003 of 2025, KEHC-8669-KLR delivered on 20th June, 2025 which;

- a. Affirmed the necessity of strict compliancy with the Standing Orders in the Constitution of Assembly committees.
- b. Declared appointments made in violation of such rules as null and void *ab initio*, and *ultra vires*.

Version: 00

Revision: 00

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Now therefore, this House resolves as follows.

1. That the current composition of the Budget and Appropriations Committee and the Public Accounts Committee as the words that will follow, there are three words that were omitted which I think are necessary to make this meaningful, the three words omitted is immediately after the word ‘disbanded’ you add ‘and be reconstituted’. I read now, including those changes

That the current composition of the Budget and Appropriations Committee and the Public Accounts Committee be disbanded and be reconstituted with immediate effect on the grounds that the neutrality and fairness of their members is reasonably in doubt due to overlapping roles and for failure to comply with the Standing Orders and other applicable legal ethical requirements.

2. That the Committee on Selection be directed to urgently reconstitute both the Budget and Appropriations Committee and the Public Accounts Committee, ensuring the following;

For the Budget and Appropriations Committee

- I. Strict compliance with Standing Order 210(3).
- II. Equitable representation from all sub-counties.
- III. Inclusion of special interest groups as mandated by law and the Standing Orders.

For the Public Accounts Committee,

- I. Exclusion of any member from serving concurrently in both the Budget and Appropriations committee and Public Accounts committee, or in either committee while serving as a member of the County Assembly Service Board to safeguard the principles of impartiality, separation of functions, and integrity in oversight.
3. That the County Assembly Procedures and Rules Committee considers reviewing and amending the Standing Orders to codify the principle that
 - I. No member shall serve simultaneously in both Budget and Appropriations committee and Public Accounts committee.
 - II. No member shall serve in either committee while concurrently holding office in the County Assembly Service Board.

I move and at this juncture, I call upon Hon. Aggrey Waliaula Mulongo to second the motion.

I submit.

Version: 00

Revision: 00

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Hon. Aggrey Mulongo: Thank you, Mr. Speaker for giving me this chance to second this motion.

This motion comes in when the Liaison committee went out and came back with a very excellent report on the Budget.

This is a House of Rules and Procedure and we need to know that this Budget and Appropriation committee...

(Loud consultations)

Mr. Speaker: Honourable members, kindly do consultation in low tones. What is the information?

Hon. Hentry Nyongesa: *(On a Point of Information)* I want to ask Hon. Mulongo if he is reading a speech or giving remarks...

Mr. Speaker: Honourable members, there is no bar for a member to refer to his notes and I always see Hon. Hentry referring to his own notes, so you don't change goal posts because it is Hon. Mulongo.

(Laughter)

If he is reading a story book it is something else but he has prepared his brief notes to refer to. Yes Hon. Ali Machani

Hon. Ali Machani: *(On a Point of Information)* Honourable Speaker, it is good also to observe the rules of the House, the Honourable member is seconding, when you are seconding a report you are allowed to read so he is in order.

Mr. Speaker: You keep on learning members, proceed.

Hon. Aggrey Mulongo: Thank you, Mr. Speaker. Here is a summary of everything, I was extracting from this report and putting on a paper.

As a House of rules and procedure, we need to know that the committee on Budget and Appropriation's work is to do budget estimates, revenue allocation and financial planning. When it comes to Public Accounts Committee, it is supposed to oversight, audit and scrutinize public expenditure. Pursuant to Standing Orders 209 and 210(3), some Honourable members are

Version: 00

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Revision: 00

currently serving concurrently in both committees creating a significant conflict of interest and posing a serious threat to the neutrality of fairness and credibility expected in the oversight role.

Coming to Leadership and Integrity Act of 2012, particularly c which requires a state officer to withdraw from a decision where impartiality may be reasonably questioned.

Lastly, permit me to read or refer to the judgment that was delivered on 20th June 2025 which states and affirm the necessity of strict compliance with Standing Orders in the constitution of County Assembly committees declared appointments made in violation of the rules as null and void and *ultra vires*.

I support this motion and we are going to support the committee that is going to be reconstituted to its work, the same way as the Liaison Committee did. I support.

(Applause)

Mr. Speaker: Honourable Members, allow me proceed and be able to propose a Motion for debate.

(Motion Proposed)

Yes Hon. Linda

Hon. Linda Kharakha: Thank you, Mr. Speaker. I rise on a point of concern. We are a House of rules and procedures, and the Motion is procedural. How I wish that being a house of rules and procedures, will hear the concerns that I am about to rise, I stand to be corrected, that there is an appeal filed. My submissions are that we cannot start a new process while there is a case in court regarding this matter. These are my concerns, that if we proceed with this Motion and consider it, I have completely nothing on the issues raised, they are very valid, but I wish that if we want to reconstitute, and I have an issue with disbanding, that we need to first withdraw the appeal in court, then now we can reconstitute the committee at hand.

My issue is also on disbandment. This House already disbanded a Committee of Budget therefore we do not have it at hand. We only have a Liaison Committee holding roles of budget Committee on interim. This House voted down the names of the members of that committee, and that means as we speak, we are not disbanding anything. We cannot disband what does not exist, and therefore we are supposed to reconstitute procedurally.

I stand to be corrected when the Mover of Motion stands; it is this House to reconstitute the Budget Committee and the PAC Committee, because it is the same House that disbanded it. I feel we are going over and ahead and we are having lapses. If we continue in this manner, we

Version: 00

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Revision: 00

will be committing an illegality, but as I said, I still stand to be guided, but I support that a committee should be reconstituted to work on Budget and Appropriation functions.

Lastly, I have a concern as well, there is a calendar time and the time it was constituted, Mr. Speaker, you see if I conceive today I will not count my days from next year. I will count my days from the day I have conceived. The Committee of PAC and Budget was conceived for this matter on the day it was right on this floor, and therefore we count our days from the day it was conceived here and passed by Members.

And therefore, my concern will be if we constitute the Committee now, it will mean we are constituting it for the next or until October, then disband it again, or reconstitute it again, and then have a new Committee now taking over. Counting with your timelines as how the court had ordered, or taking on my issue of conceiving from this time. I stand to be corrected. I submit,

Mr. Speaker: Yes, let me hear Hon. Benjamin Otsiula,.

Hon. Benjamin Otsiula: Thank you, Honourable Speaker. I partly agree with the submissions of Hon. Linda Kharakha, when she refers to the impugned judgment or ruling of the court. Maybe what the House should understand is the effect of a notice of appeal. When the judgment was pronounced, it reinstated the former Budget and Appropriation Committee membership. That means that legally, that Committee is still constituted as before.

Therefore, I agree with Hon. Linda Kharakha when she says we reconstitute but we don't disband, because I am not aware whether you have filed an application for stay of execution of that judgment or whether orders for stay of execution have been granted by the Honorable Court. If there is no order staying that judgment, then it means the Budget and Appropriations Committee is still in place, as we speak. That is how I understand this matter.

And the period, the calendar, the Court interpreted the calendar, the three-year calendar to be ending in September, I believe, but we are not disbanding, if we are reconstituting and we floated the Standing Orders. We cannot be happy to say that let us continue flouting the Standing Orders.

I want to blame the Selection Committee and also want to blame the Leadership at the time because most of those Members were sitting on the Selection Committee. They misled the House and misinterpreted the Standing Orders in constituting the two Committees.

Otherwise, as far as this judgment is concerned, I know it is a matter of interpretation, but if you look at the judgment, it reinstated the Budget Committee, and if you want to give effect to the

Version: 00

Revision: 00

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Standing Orders, then the correct way will be to come back to the Standing Orders because the judgment says the County Assembly of Bungoma should respect its Standing Orders.

And if we are going to give effect to that particular judgment, then it means we respect the Standing Orders, go back to Standing Order number 210, and do the needful. We reconstitute by giving each Sub-county its share.

Mr. Speaker: Yes, Hon. Linda Kharakha.

Hon. Linda Kharakha: Thank you, Mr. Speaker. It is a point of information.

Mr. Speaker: Hon. Linda before you proceed, have you had a chance to go through the Judgment?

Hon. Linda Kharakha: Yes, Mr. Speaker. I have it here,

Mr. Speaker: You read the ruling from the holdings to be specific from number five to number eleven? The holdings

Hon. Linda Kharakha: Yes, Mr. Speaker. You mean number five,

Mr. Speaker: The last page of the ruling, the way he has put it, the Court insists we must comply with the Standing Orders. So what he is saying that we floated? And yet we have 9 Sub-counties.

Hon. Linda Kharakha: Mr. Speaker, I have no issue with the issues raised to follow the Standing Orders, how a Committee should be constituted. My issue is the procedure we are following, because we will stand to have committed the illegality if we continue as we are doing.

Mr. Speaker: Where is the illegality, come out clearly so that I can understand it?

Hon Linda Kharakha: I still need to be guided, is there an appeal that has been filed?

Mr. Speaker: There's an appeal.

Hon. Linda Kharakha: Thank you, Mr. Speaker. So if there's an appeal...

Mr. Speaker: There's an application, let me guide you now to understand.

Version: 00

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Revision: 00

Our appeal is on two major issues; because the first issue they are saying... Resume your seat, you cannot be standing while I'm talking.

Hon. Linda Kharakha: Thank you.

Mr. Speaker: The first issue is that whether a calendar year is from January to December or from November to December. And where you are, you are a lawyer, even if you pick your certificate of practice in November, 31^s of December, it ends there, and that's our understanding. So the first issue we are discussing here is a calendar year, not a year.

Hon. Linda Kharakha: Mr. Speaker, if I can interrupt a bit.

Mr. Speaker: You're not allowed, let me finish first. A calendar year to our understanding, and is from January to December. The court is saying from October to October is a calendar year, that's what the Court said, October to October is a calendar year to the Court. But to us here, Standing Order is from January to December, so the Court is saying that tenure was to end in October this year, are you getting it?

Number two, the Court is saying the work that was done by the Liaison Committee is a nullity. We are meant to start afresh, that means as we are talking here, the County has no budget. That's the implication, that's why we appealed, challenging the mandate, questioning the issue of the mandate of the Committee on Liaison and on the calendar year. Those are the major issues that we are asking the Court to give us clarification.

But now from that judgment, as she has said, the Committee of Budget in that ruling was brought back to life. If it's back to life, can you reconstitute it without disbanding? You must disband first. And Court cannot bar you from disbanding a committee. If tomorrow you say committee of Powers is sent away, it will be sent by this House and that's the position.

In the National Assembly several times, we remember the issue of the former MP for Budalangi Ababu Namwamba with PAC, the House had disbanded it because they had taken money from Members. So you cannot bar this House from disbanding a committee and reconstituting it again, because that's our work. Can we move on?

Hon. Linda Kharakha: Mr. Speaker, you're getting it wrong a bit. I agree with you with part of it. My point is, the House cannot disband. When you say that there was life after the Court Order, remember you have filed an appeal, which means you're in dispute with what was ruled part of it. Not the Constitution, not bringing back the life of the other Budget Committee. But once you file an appeal, it means we stand to be guided again with the decision of the Court.

Version: 00

Revision: 00

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And therefore, this is what I'm saying, that if we continue now the way we are continuing with the case in Court, we are starting a new process when there is a matter in Court.

Mr. Speaker: Let me ask you this way, if it goes to September or it goes up to October, will you have a new committee or not?

Hon. Linda Kharakha: By October, I have no issue whether the selection committee retreats and reconstitutes the budget committee by October because by then the time has expired and a new committee is coming in place. My issue here is the procedure of what you're doing. This is my issue... listen to me. If you interrupt, you are messing up with my thought of ideas.

Mr. Speaker: Let me listen to you before we proceed.

Hon. Linda Kharakha: Thank you, Mr. Speaker. My issue is we have an appeal file, right? And when there is an appeal, and Hon. Benjamin Otsiula can guide me, he's a senior counsel and he knows. It means we are doing things hand to hand when there's already an appeal and it's from us. Furthermore, it's not from the Budget Committee, so it means we are filing in Court on issue of calendar and constitution of Budget, which is fine.

But we are here disbanding the same and reconstituting. What you're supposed to do if you agree with them and if you agree that you're going to do with the Standing Orders, you do not need an appeal. What you need to do is to withdraw the appeal first, then come to this House... Mr. Speaker, you're still interrupting me.

Mr. Speaker: Let me assist you and guide you.

First and foremost, the appeal is basically I and the Clerk to the County Assembly and our appeal is on two items only. Number one, the issue of calendar year, not the committee, it's the calendar year. Number two, the issue we are disputing is that basically whether the Liaison Committee can sit as a caretaker Budget Committee or not, the rest we are only disputing.

As we are standing here, from that ruling, the Budget Committee is walking around, it's here. How do you form a new committee when the Budget Committee is in place? You cannot, and number two, if we are to stick to the same Standing Orders; I had a chance with the Members here to form those Standing Orders. It is very clear that you will share the seats across the nine Sub-counties. So who was the seconder? Did you finish? Yes, I propose we move on.

Hon. Linda Kharakha: Surely, you didn't give me an ear!

Version: 00

Revision: 00

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Mr. Speaker: I heard you Hon. Linda Kharakha, Hon. Everton Nganga,

Hon. Everton Nganga: Thank you, Honourable Speaker. I lack words to say when the advocates have already actually given their submission on this issue. I'm one of those Honourable Members who are yearning that the two committees be in existence and work.

I have been noting down what was submitted from the procedural motion. And Honorable Speaker, I've been going through our Standing Order, and if actually our Standing Order has to be followed, as the way it is, Honorable Speaker, it means when we reconstitute, you may discover that we shall have some Members serving in the Budget Committee and also serving in the PAC because our Standing Order has not been changed.

When you look at the membership of the PAC Committee, they're saying that the PAC Committee shall consist of a Chairperson and other ten members who are not Chairpersons of other Committees. Honourable Speaker, our Standing Order, actually has some lapses. And the way the procedural motion has been moved and what has been pronounced from a procedural motion, actually our Standing Order should be reviewed.

It is not barring anybody who is appearing in the Budget from appearing also in the PAC, this one actually, it is something, Honorable Speaker, because here, from the ruling, they have said that strict compliance, strict compliance, we should strictly comply with our Standing Order. It's not just Honourable Speaker and the Members; it's not just common sense.

Honourable Speaker, what I'm requesting, there's a procedure of amending our Standing Order, and this is something that was supposed to be mentioned in the procedural motion. I remember, Honourable Speaker, when we amended our Standing Order, which existed from 2017 to 2022.

You requested Honourable Members to submit their recommendations or their requests on how the Standing Orders should be amended, and the Rules and Procedure Committee retreated and they actually had a very good session. When we amended the Standing Orders, I'm one of those Honorable Members who wished that that Standing Order would start actually or be enforcing when it was adopted on this floor.

But it was ruled that it will be enforced in the next tenure of five years that is 2023 to 2027. Honorable Speaker, I'm not against anything. It's my request that let us not be involved in some procedures that are quite injurious to this House. Procedure is very important than the destination, we require the two committees to be in existence.

Version: 00

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Revision: 00

But, according to the current Standing Order and the way it has been pronounced in the rulings, strict compliance, to me here, where the Selection Committee met a fault on the issue of Budget, actually some sub- counties are not represented.

When you read to us in this House about the ruling, from that time, we are aware that the case is still in Court. When we were in the Selection Committee, when I was a member, we also wanted to come up with new membership, new members of the two committees and the Chair of the Selection also mentioned we cannot work on something that is still in Court.

I don't want to be victimized by anybody, majority Members will have the day, but what is very important is the procedure.

Mr. Speaker: Honourable Members, I now urge as we are moving forward, the Committee on Rules and Procedure has done the final draft of amending the Standing Orders and they will be brought around for you people to have your input. Last time when we did so Honourable Members, there was a challenge that we didn't have any input from Consumers. These Orders are used by the Honorable Members and the staff for guidance purposes.

If you look at the holdings, the prayer that he sought in number three of Hon. Johnston Okasida's motion, it's basically asking that we consider those proposed amendments from the motion, what he's seeking. Hon. Everton Nganga, you are very right when you are talking about when you went to sit a Selection before the judgment.

The matter was very active in Court and it was talking about the entire composition of the Committee, the court has given us a judgment, and it's been appealed.

And I appealed for one thing, but not because I'm the Speaker here, they sued the County Assembly of Bungoma. And the challenges we are going to have is not that it's being done here in Bungoma.

And if I read for you the decisions here, in February this year, you remember the case of Ndindi Nyoro as the Chairman of Budget. When he exited, there was no budget in the National Assembly, who handled the Budget of the National Assembly? It was Liaison!

In 2016, Justine, we had a similar scenario. There was no Budget Committee; Hon. Muturi the National Assembly Speaker then ruled that Liaison should handle the budget. So why are we asking the Court of Appeal to tell us how come in the National Assembly it was Liaison? When it comes to Bungoma it's an illegality.

Version: 00

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Revision: 00

Number two, I am a Lawyer by profession, if you are doing a calendar year in our profession, take your license in October. By December, the year ends, it's no longer valid.

Now, in the National Assembly, the committee like this one of Budget, its term lapsed December last year. From 2022 to December last year was three calendar years and it lapsed.

As here, the Court is telling us up to October. In your own language, you can get an Oxford dictionary and look at what is the calendar year from January to December. So we want in the Court of Appeals just on two items. What is the calendar year and whether the committee on Liaison can be able to sit in Budget or with Agriculture, or Trade, or other committees for clarification. But if they are saying we must comply with the same Standing Orders, do we now say that since the case is in Court, we don't have to look at the issue of compliance of the regions or the other way around. The Court is saying Budget committee has come back to place.

How do you go about it? Yes, Hon. Meshack Simiyu

Hon. Meshack Simiyu: Mweshimiwa Spika asante. Najua yale yenyenye unaongea ni ya ukweli. Nafikiria ukinipa nafasi wewe unakaa.

Mr. Speaker: Me I don't need to sit down any other person, Hon. Meshack, proceed!

Hon. Meshack Simiyu: Mweshimiwa Spika, yale yenyenye unaongea ni ya ukweli, hata sisi tukikata *licence* ya biashara huwa tunakata kuanzia Januari mpaka Desemba, hakuna mahali wanasema ukikata *licence* mwezi wa tano itakwisha mwezi wa tano mwaka ujao, huwa inakwisha na mwaka mmoja kuanzia Januari hadi Desemba. Lakini ningeomba kama wewe na Mweshimiwa Benjamin Otsiula ni mawakili, ningeomba vile mlipeleka *appeal* kwa korti ama kuchukuwa appeal ili walete wafafanue vizuri, ingekuwa vizuri sana sababu hii kitu haiwezi

Mr. Speaker: Hon. Meshack Simiyu, just to assist you and clarify it's the Assembly which appealed not Hon. Benjamin Otsiula; he is not part of the case, its Clerk and Speaker of the County Assembly who has sued.

Hon. Meshack Simiyu: Mweshimiwa Spika, sikusema yeye alifanya nilisema kulingana na nyinyi watu wawili mlisomea Sheria lakini ninata nikuombe tunataka tufanyie kazi watu wa Bungoma, lakini hii mambo ndogo ndogo haifai tusukumane hadi mwisho.

Tunakuomba Mweshimiwa Spika vile *Assembly* ilipeleka *Court of Appeal*, tungeomba waharakishe kwa sababu hii mambo inatatiza maendeleo ya kaunti yetu. Kama ni shida tutoe

Version: 00

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Revision: 00

wachague wale wenyе wanatakikana waekwe kwa Bajeti halafu waheshimiwa wengine turudi tufanye kazi ingine kwa kamati chochote.

Hata mimi wakinipa *committee* ile yenyе wanaona, nitakuwa sawa kwa sababu nafanya kazi kwa sababu wenzangu wameona tulifanya tukafikia hapo na wengine wanatakikana waingie hapo sio mwisho wa kufa. Sisi zote hatuwezi enda kwa Bajeti, ama kwa *PAiC* lakini kama wamesama, Sheria ya Jumba imesema watu kumi na mmoja, wacha wachague watu kumi na mmoja waende kwa *PAIC* na wengine kama hao waende kwa Bajeti.

Mweshimiwa Spika nataka kukaa chini nakwambia mambo ya kuzozana haitupeleki sisi mahali popote, kwa sababu tumbaki tu na mwaka mmoja, hata kuanzia mwaka ujao, wale wenzangu wenyе wamekuja term ya kwanza, hata mimi nilikuja term ya pili sisi sote hata hii Assembly kulingana na mwaka ujao haitakalika, kila mtu atakuwa anarudi kwake kutafuta kura, na ninaomba kwa heshima Kuu ya kwamba tumalize hii kitu alafu tufanye kazi yetu vile watu wetu walitutuma. Kwa hayo machache, asante Mweshimiwa Spika, kunipa nafasi.

Mr. Speaker: Thank you, Hon. Meshack Simiyu. Hon. John Wanyama, continue.

Hon. John Wanyama: Thank you, Honourable Speaker for the opportunity to contribute to procedural motion. First, I want to agree with the seconder of the motion and Hon. Everton Nganga that this House of Rules and Procedures and we should follow our Standing Orders to the latter. Standing Order No. 210 (3) is very clear in terms of Constitution of the Budget Committee; I will specifically talk to the two representatives of the special interest groups.

I will be very brief, all I want to urge the Selection Committee that as and when they will retreat to reconstitute this Committee of Budget, we have 17 specially elected MCAs here, among them we have the youth and other special groups. So I just want to take this opportunity to urge the Selection Committee that let us follow the Standing Order to the latter so that we have representation from these special interest groups.

Mr. Speaker: Yes, Hon. Charles Nangulu, now the only problem I have with that line of submission, Hon. Kennedy Wanyama, you are talking about reconstitution, but the animal is still standing.

Hon. Charles Nangulu: Thank you, Mr. Speaker. I also wish to give my views to this particular motion that was raised by Hon. Johnston Ipara. There's a judgment that was done in Court and there's an appeal that has been done. And when you look at these things, let's not look at the Budget Committee as individuals, this is a Committee that was recruited by members who

Version: 00

Revision: 00

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were elected and we had a chair and a vice-chair and the membership. When you look at a Committee, we look at individuals, and then there will be confusion.

The court ruled that we come back and use our Standing Orders, whereby each and every sub-county is represented and the same time, where it says that a Committee on Budget, no Chair will sit on that Committee on Budget so that and this Budget Committee is well elaborated by our Standing Orders whereby after a committee is constituted at the beginning of the Assembly, they go for induction and they are told how to run the Committee, the Chairs of these other Committees, were not inducted to run the mandate of that Committee, so when Liaison Committee that worked on Budget were not inducted may be those were things that were looked by the judgment.

Hon. Speaker, also let's not forget that when we try and reconstitute, there is already an appeal in court, the case is live, so why can't we wait for the appeal so that we can have this negotiation coming in place.

Hon. Speaker: Yes Hon. Chemion then I am coming this side, you will all be heard Honourable members, this is your motion and I let me have no interviews in this motion because at the end of the day I don't have any vote towards the same.

Hon. Chemion Francis: Honourable Speaker, I want to tell the Honourable House that this House has a mandate to approve the members that have been put in Committees by Selection Committee. They can either approve or not approve. As a House, we rejected the list, the Court is saying their term is not over but based on what most Honourable Members are contributing, to me it's not a life and death issue that if we agreed today to allow the Selection Committee to go out and follow the Standing Orders to come up now with a legal Budget Committee because the one that existed was flaunting the Standing Orders, because other Regions are not represented and the Court has ruled that we must adhere to the Standing Orders.

So why don't we then allow the Selection Committee to go and rectify the anomaly and bring the list we have a look at it. If we agree with the list that will be well and good. If it will not be as it is, the House will make a decision so that we abide by the Court ruling.

Otherwise, if Honorable Speaker we don't move to do this, it will mean that we are not following the Court judgments. Let us follow the Court Judgment, allow the Selection Committee bring new members so that we ensure that the Standing Orders of this County Assembly are followed.

Mr. Speaker: Hon. Ali Machani,

(Laughter)

Version: 00

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Revision: 00

Hon. Ali Machani: Hon. Speaker, my hands were a bit tied to pronounce my piece of minds on this motion but having been in this House for some time although I'm not a lawyer, but because I understand Standing Orders, I can advise. Let it not be seen as if we have personal interests in a particular committee that if the House has pronounced it to be dissolved then Members we be seen having some resistance. When I came to this House, I served on the Budget committee. I came the second time I served on the Budget committee then within some changes that were made; I didn't continue serving on the Budget Committee.

From the look of things even those Members who were on the Budget Committee, with common knowledge to understand how things operate because this is a House of debate. As much as the Court may want things to be driven in some other directions, what are the Members saying? Today if they say we do some changes in leadership, that we have new leaders, individuals must accept the change and take it positively. Here is the Budget committee that went to court, the members who were there wanted some interpretation. The interpretation was pronounced and through the wisdom of this House and best practices from the National Assembly, we used the Liaison committee to process the County Budget that could not be stopped because as members elected or nominated on special interest, we are serving the community. So we cannot stop the whole process. Budget making was done and we want to thank each and every member who stood on this floor and said the Liaison committee did a good job.

From where I sit, whether you have three or four committees, you can still serve this House. When we were elected or nominated, when you entered the main gate, you didn't know that you will be on the committee and I have seen so many members who were adamant that they must remain on committees, pushing the agenda and the Honorable Majority can agree with me. Even others were goggling in this house today, we are not with them. What am I saying? Accept the changes to allow the House and County Government to proceed. If we reason that way, you'll not have those bad feelings against others.

Just to sum up, the Selection Committee did their part through the able Leader of Minority; we came with a report here. I was a member of Selection Committee, but the House pronounced its peace of mind. Now the court said they go back to be in this House as Budget Committee. If the House is not ready for those members to serve, and they are serving the interests of this House when they are on the Budget Committee, we are cheating ourselves. I wish that when the Court determined, we could rush and talk to the Selection Committee to give us other members observing the Standing Orders on the issue of regional balance then through our Coalitions we form another Budget Committee.

It's only that maybe we went to Court of Appeal because of panicking but how I wish we could give room to the Selection Committee to constitute the Budget Committee. I have seen someone pointing a finger towards the Commissioner and I didn't want to pronounce much but if

Version: 00

Revision: 00

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we could form the Budget and PAIC committee minus bringing those members who are in that committee this reference they are saying, they are supposed to be proposals in the new Standing Orders, which will serve the next Assembly. So I think Hon. Ipara has raised concerns which are valid, but they can only serve in the next Assembly but those pronouncements were made by the judge or the High Court could assist us to give the Majority Leader and Minority Leaders the members that can serve in those committees.

So whatever Hon. Ipara is raising could be captured on the proposal of the next Standing Order. I'm so glad that you have given all the members an ear, which if I was to sit there, I cannot give enough time but let us talk on this thing positively. Let us not put it that if it is not me, so we can't move. I think that is the thing I'm observing, that if it is not me to be the Minority Leader, member of Budget committee or member of the Board then things cannot move. I think that's where we are missing the point and we are making your work to be so difficult, and you may end up being seen as if you have an interest but from where I sit Mr. Speaker, you have tried to be very neutral.

Mr. Speaker: Thank you, Hon. Machani. Honorable Deputy Minority Whip, proceed.

Hon. Allan Nyongesa: Thank you, Honorable Speaker. From the onset, I will not delve in the matters law. I'm a Maths and Business teacher, so matters law I will leave for lawyers. I will dwell on numbers which is my line of specialization. One, I want to appreciate the mover of the motion for bringing this motion

I have been speaking about these issues a number of times on the floor of this House. I have been speaking about representation in the Budget Committee and having the special groups in Budget Committee but my voice has been ignored. But I thank the mover today; we are speaking the same language as so many of us here. My only plea to the Selection Committee when...

(Loud Consultations)

I am supporting the motion. So when the Selection Committee is given the mandate to go and reconstitute these two committees, my first plea to them is that let's consider the numbers from the constituencies. We have 11 members who are supposed to be in Budget Committee. That means we need to have one member from every constituent that make nine. That's for the elected members, then the remaining two positions should be for the special group.

The two extra seats should come from the constituencies that are having majority of MCAs and in that effect, Kanduyi has 12 MCAs, Tongaren has 10 MCAs, followed by Bumula with seven. So the two positions should be in Kanduyi.

Version: 00

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Revision: 00

Mr. Speaker: Hon. Allan, that direction is very dangerous because what you are advising is supposed to be for the Selection Committee, not for the Speaker. So that line of sharing the seats is not part of my mandate here.

Hon. Allan Nyongesa: Honorable Speaker, I am well guided

Mr. Speaker: I am very sure in your coalition; you have a member of the selection. Give him that brief.

Hon. Allan Nyongesa: Hon. Speaker, I am well guided but at least my voice has been heard when it comes to numbers.

(Loud Consultation)

Lastly, I finish by supporting the motion that we give the Selection Committee a chance to go and reconstitute these two committees.

Mr. Speaker: Yes, Hon. Henry.

(Laughter)

Hon. Henry Nyongesa: Thank you, Hon. Speaker. I want to support the motion as it illustrates serious issues. We have other sister Assemblies including the National Assembly which pronounced itself on the reconstitution of these committees and specifically the PAC and Budget Committee as you have indicated. And arising from that I am sure the members of the National Assembly were aware when the committees were reconstituted.

There is something that we need to put in mind that committees are very crucial entities in the Assembly but you remember where these committees are only discharging their mandate on behalf of this House. And when some matters are weighty, using your discretion some of them we normally handle them here. So I say that the motion that has been given on the floor of this House of disbanding and reconstituting the two committees as per our Standing Orders is okay. I support that the Selection Committee to appoint members to those committees.

During my first term, that is the first Assembly, I was serving both in Budget and Appropriation Committee and the Finance Committee, then Members of this House resolved that you cannot be a member who is making a budget for the County and then you sit on another committee which is of assigning the implementation or rather financing the budget. So it was put in the Standing Orders that one can't sit on Budget and Finance Committee at the same period

Version: 00

Revision: 00

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So I want to concur that these two entities must be defined well that those members who maybe the Selection Committee has placed them on Budget, the same Selection Committee will not place those members to PAIC. So what I want maybe to agree that where we are going you declared the status quo to remain but I wish that the motion by Hon. Ipara is approved.

Mr. Speaker: Hon. Hentry, I have not declared anywhere that the status quo will be maintained. It's coming from you; I didn't declare anything like that. That's why we are debating.

Hon. Henry Nyongesa: Before Chair we had a status quo that is why we are moving from a status quo to have the committees in place so that the activities can be discharged in the committees. I support the motion.

Mr. Speaker: Yes, Hon. Otsiula, you are allowed to speak.

Hon. Benjamin Otsiula: Thank you, Hon Speaker. First of all, I wish to applaud my Majority whip, Hon. Museveni for his wisdom and guiding the House that moving forward and to allow the Assembly conduct business peacefully in an orderly manner, we reconstitute these two committees. He is a senior member serving for more than five times in this House. He has more wisdom. What he can seen while seated, I cannot see while standing on a tree. He has served on that committee and he knows the need of this House uniting.

Mr. Speaker: Yes, Hon. Ali Machani, what is your point of order?

Hon. Ali Machani: Thank you, Honorable Speaker. I'm not disputing...

Mr. Speaker: He is appreciating your wisdom.

Hon. Ali Machani: Yes, what I am saying is Hon. Meshack Simiyu Museveni is serving his second term in this House.

Mr. Speaker: No,

Hon. Ali Machani: But the wisdom in leadership, he has been there for the period he has said. But in this House and within the seniority the Majority Whip has been around, he has served two terms.

Mr. Speaker: Properly corrected.

Version: 00

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Hon. Benjamin Otsiula: Hon. Speaker, we cannot deny Hon. Meshack Simiyu Museveni the number of years he has served as a Councillor and as an MCA

(Applause)

He has served for more than five terms. He has served as a Councillor and has also served as an MCA.

(Loud Consultations)

Was he serving outside the House Hon. Aggrey Mulongo? I was appreciating, I know Hon. Ali Machani is my friend and also a very senior member. I was appreciating the sentiments of Hon. Meshack Simiyu and I think these motions are coming back to the House and this issue coming back to the House because the House is unsettled because as far as a document is produced here, we now want to resort to name-calling, even projecting and taking things out of order. We call people's names even on social media.

It is because this stalemate is still there. Let us not fear to address these issues once and for all. If a senior member of that committee and a former member of the committee is willing that the committees be reconstituted and has advised the House accordingly, why should we fear? I want members to read and understand these Standing Orders. These Standing Orders were made or were approved by members who were serving in the previous Assembly.

If you look at Standing Order No. 174(2), *it says the Committee on Selection shall nominate members to serve in committees save for the membership of the House Business Committee, Committee on Appointments and members of the Speakers' Panel.*

From where I sit, even in the absence of this motion before this House nothing stops the Selection Committee from placing members in those other committees. If you look at that judgment, there is no way the judgment is restraining the Selection Committee from performing its functions as per this Standing Order.

(Applause)

So as much as we shall go round and round and we want to apply this Standing Order selectively, we are going to get into trouble. How I wish that we respect all committees if the Selection Committee has a mandate under this Standing Orders. I served in the Lands Committee recently, the Selection Committee, took away the committee and gave it to another Honourable Member. I respected the wisdom of the Selection Committee. I served in the Justice Version: 00

Revision: 00

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and Legal Affairs Committee as a member. The Selection Committee again took away without replacing and here I am still serving as the Chair of the Education and Vocational Committee. I did not go to court because I know the Standing Order gives...

(Applause)

....a mandate to place me where they deem fit for me.

We agree the case is in court but it has not pronounced itself on any item concerning this, the role of the Selection Committee. I don't want to belabour so much but I want to inform the House that before the three-year calendar period that you are referring to whether it runs from October to October or a calendar year starts in November and ends in December, it does not override Section 174(2) of our Standing Orders. I beg to stop there.

Mr. Speaker: Hon. Jeremiah, proceed.

Hon. Jeremiah Kuloba: Asante Bwana Spika kwa kunipa hii fursa. Jambo la mbele hakuna Kamati iliyo kuu na ingine ndogo. Utata uliopo ni kwamba katika fikra za badhi ya Waheshimiwa walio katika jumba hili wanachukulia kuwa Kamati ya Bajeti ndio kubwa kuliko zote. Naomba dhana na fikra hizo itoke katika mawazo ya wahemimiwa. Kamati zote ni sawa na ile katika mabano katika kigereza ni *all committees are equal*.

(Loud consultations)

Nakubaliana na jinsi inavyotaka kugawia ambapo kamati zote zikiwa sawa zipewe bajeti ilio sawa.

(Applause)

Ukiwekwa kwa kamati yeyote utafanya kazi, kikubwa ni kwamba mirengo zote zipange waheshimiwa vizuri kwenye kamati. Upande wa chache wapange vizuri ambapo kila sehemu ikiwa ni Tongaren na Kimilili wapate kuwakilishwa kwenye hiyo kamati.

Nakubaliana na ushauri Mheshimiwa Museveni. Unajua katika hii bunge kila mtu haamini kuwa Mheshimiwa Museveni anaunga mabadiliko haya na ni kwamba Museveni nakupa hongera kwa mismamo wako. Umesema kuwa utafanya kazi katika...

(Applause)

...utafanya kazi katika kamati yoyote. Ikiwa Mhehsimiwa Museveni amekubali, je wewe ni nani kuleta mambo mengine?

Version: 00

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Revision: 00

Mr. Speaker: Hon. Leader of Majority.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. Allow me also appreciate the mover of this motion. Mr. Speaker, as you are aware, I am the chair Selection Committee and we won't regret that what we did was also out of our own wisdom because we considered a lot of issues and of factors because when coming up with committees, we normally also base on the party strength, regional balance among other issues. As much as maybe we are correcting but we should also watch out some critical issues because as we speak today, in Bungoma County, we have 13 gazetted sub-counties so we should also be clear. Are we following sub-counties or constituencies? So that at least when Selection Committee retreats they should also be well-guided, if it means that we should be following the issue of sub-counties and then we have 13 sub-counties in Bungoma County which are gazetted.

Members are aware that in Mt. Elgon, we have three sub-counties. Bumula we have two sub-counties and Tongaren we have two sub-counties, so it is quite challenging. If the mover will come up rightly when responding, tell us, shall we be following the sub-counties or the constituencies? That was my critical issue that I was already thinking but again this issue has also opened up, so that at least members go through the Standing Orders and you know when lawyers were arguing and exchanging some thought, that maybe they are not aware. We are also legislators, lawmakers so we are also privy to the Constitution

(Applause)

So my point is that the mover come clearly out on what shall we be basing on either sub-counties or constituencies?

Mr. Speaker: Thank you, Honourable. Honourable, yes, let me hear your information.

Hon. Francis Chemion: (*On a point of information*) If we look at our Standing Orders, we have a perception that we can only amend these Standing Orders and it is applied in the next Assembly but if you check 268(2) which tells us that amendments to the Standing Orders proposed under this part shall upon approval by the County Assembly take effect at the time appointed by the County Assembly, so we can appoint the time of it taking effect so we can propose amendment and appoint the time for the amendments to take effect. So it doesn't stop us from amending this one.

Mr. Speaker: Hon. Ipara, you reply to the motion.

Version: 00

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Revision: 00

Hon. Johnston Ipara: Thank you, Hon. Speaker. Let me laud the Hon. Mulongo who seconded the motion. Hon. Otsiula and Linda for clarifying the critical issues raised, Nganga for reminding us to comply with the Standing Orders. I want to laud you Hon. Museveni. You have proven today that you are a charismatic leader. You can stand the test of time, I say thank you, and God will take care of your future.

Hon. John stated several things on the Standing Orders and the Constitution. Hon. Charles talked on the ruling of the court; Hon. Henry did talk on the comparison between the National Assembly and the County Assembly. Precedence is set and we normally say when precedence is set then other rulings follow what has been set. For this case, we are similar to the National Assembly and the Senate. We are bound to copy the best practices and that's why under your own wisdom, you did make a ruling and you are protected by the Standing Order No.1, which gives you overwhelming powers and those powers do not even give an opportunity for anybody to oppose it.

Hon. Chemion has spoken and has given us a Standing Order No. 268 which gives us a remedy on how we can address most of these issues that have been brought up.

Hon. Machani being one of the long MCAs in this House has also followed the route that was taken by Hon. Museveni that this is the period for reconciliation. This is the period that we should correct the wrongs that we did and we should not continue sailing in the wrongs because that it was a practice that was there, but we should walk away from them.

I also agree with Hon. Allan who talked about representation and as a young man in this House, he has been pleading that the youth, women and disabled have been marginalized and they should be considered if they happen to be within this Honourable House.

The last wisdom is where Hon. Otsiula brought up a Standing Order 174. Which cures several issues and I see it shatters all doubts that anyone who has walked out or is still in, if they had waited they could have benefited from this.

The majority leader has talked of 13 sub-counties against the current ones that exist which are nine. With a lot of humility by the time of the approval of the current Standing Orders, what was in place was nine constituencies and they were also nine sub-counties, but along the way some four sub-counties were created to make it 13.

As the Standing Orders creates an opportunity for amendment; there's nothing that bars us from amending that particular section to accommodate the rest but I want to say this, we did this based

Version: 00

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Revision: 00

on the representations of the National Assembly and that's why I concluded by saying that it must be for equity and inclusivity.

The matter that is before court and the ruling that was made by the court; the court was very clear that the two committees be reinstated. And immediately the court made that ruling, it breathed life to the two committees. By the assumption of the law, we assume those committees were reinstated by the court ruling. So there is no question about whether it is there or not, that is a fact.

Honorable Speaker, even though you issued a notice of intention to appeal, it was a notice to appeal which no party has gone to court to obtain stay orders. And as we are standing right now in this House, there is no stay orders that bar this House from conducting the business, so those who say that it is or it is not, it was an intention to appeal.

This motion doesn't violate the Assembly Standing Orders but it cures the problem that has persisted for a very long time. Some people mistakenly thought that by them being in certain committees they are superior to the rest. But that responsibility lies with the Selection Committee has been given the power to appoint and revoke. And I wonder where people purport to think that when they are appointed they become permanent and pensionable in those committees. That is misplaced.

The motion is a procedural motion brought under Standing Order number 64(1), therefore, we followed the due process that is required but the motion is in good faith. Why do I say it is in good faith? It had clear justification, a need for proportional representation. And we are saying that these committees should be reconstituted so that the inactivity in those committees is reactivated.

They need also to comply with the Constitution and the Standing Orders. This motion ensures regional balance, equity and inclusivity of every region and in this case, I am referring to the nine constituencies or sub-counties.

Lastly, there is no evidence in this motion that brings any sign of discrimination, any sign of retaliation or witch hunt, so it is done in good faith. This motion is well-founded, lawful and procedurally done. Therefore, we have not violated the right of any member on being appointed to any committee within the Assembly.

Lastly, the motion avoided personal vendetta, discrimination or illegality and that is why we decided to operate within the precincts of the law.

Version: 00

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Revision: 00

I want to plead with the Honourable members who are here without any fear of any contradiction. Kindly, for equity and inclusivity to prevail within in this Assembly and our county let us approve this motion unanimously.

(Applause)

Mr. Speaker: Honourable members, I will be able to proceed and put a question to the procedural motion moved and seconded by Hon. Ipara and Hon. Aggrey Mulongo respectively. Honourable members, a procedural motion has been moved and has been seconded and the debate having ensued, that this House resolves and decides that;

- a) The current composition of the Budget and Appropriation committee and the Public Accounts Committee be disbanded and may be reconstituted with effect on the ground that the neutrality and fairness of the members is reasonably in doubt due to the overlapping roles and for failure to comply with the Standing Order and other political and ethical requirements.
- b) That the Committee on Selection be directed to urgently reconstitute both the Budget and Appropriation Committee and the Public Accounts and Investment Committee ensuring the following. For the Budget and Appropriation Committee; strict compliance to the Standing Order number 210(3) equitable representation from all sub counties and inclusion of special interest groups as mandated by law and the Standing Orders. And for Public Accounts and Investment Committee, exclusion of the members from serving currently in both Budgets and Appropriation Committee and the Public Accounts Committee or in either committee while serving as a member of the County Assembly Service Board to safeguard the principle of impartiality, separation of functions , integrity and oversight.
- c) Lastly the County Assembly Procedure and Rules committee considers reviewing and amend the Standing Orders to quantify the principle that no member shall serve simultaneously in both Budget and Appropriation Committee and Public Account Committees and no member shall serve in either committee while concurrently holding office in the County Assembly Service Board.

(Question put and agreed to)

Ayes have it!

The motion is approved accordingly.

(Applause)

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Revision: 00

ADJOURNMENT

Honourable members, the House is adjourning today and resume its sittings on 22nd of July, 2024. So we are commencing our recess today being the 10th of July, 2025 till 22nd July, 2025. So we are starting the short recess then in the meantime I think the Committee on Selection and the other committee will be sitting so that you have your orderly activities going on. We have a new budget in place even if we share, you will spend from your own vote head accordingly.

The House rose at 5:37 p.m.